

# **THE CHARTER**

**of the**

# **TOWN of ACTON**

**Massachusetts**



Town of Acton  
Charter  
Updated may 1998

**THE CHARTER OF THE**  
**TOWN OF ACTON, MASSACHUSETTS**

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## **ARTICLE 1 - INCORPORATION, POWERS**

### **SECTION 1 - 1**      ***Incorporation***

The inhabitants of the Town of Acton, within the territorial limits as now or hereafter may be established in the manner provided by law, shall continue to be a body corporate and politic with perpetual succession under the name, "Town of Acton".

### **SECTION 1 - 2**      ***Powers***

It is the intent and the purpose of the voters of the Town of Acton, through the adoption of this charter, to secure for the town all of the powers possible under the constitution and statutes of the Commonwealth, as fully and as completely as though each such power were specifically and individually enumerated herein.

### **SECTION 1 - 3**      ***Division of Powers***

The administration of all fiscal, and municipal affairs, as well as the establishment of town policy, shall be vested in an executive branch headed by a board of selectmen. The legislative powers shall be exercised by an open town meeting.

### **SECTION 1 - 4**      ***Intergovernmental Relations***

In the exercise of its powers and functions, the town may enter into intergovernmental agreements with any one or more civil divisions, subdivisions or agencies of any state government or the United States government.

## **ARTICLE 2 - ELECTION OF TOWN OFFICIALS**

### **SECTION 2 - 1**      ***Elected Officials***

The following offices shall be filled by vote at the annual town elections, or by special elections as required:

|                                     | NUMBER OF<br>MEMBERS | LENGTH OF<br>TERM (YEARS) |
|-------------------------------------|----------------------|---------------------------|
| Board of Selectmen                  | 5                    | 3                         |
| Local/Regional School<br>Committees | 6                    | 3                         |
| Town Moderator                      | 1                    | 1                         |
| Library Trustees                    | 3                    | 3                         |
| Housing Authority                   | 4                    | 5                         |

Certain other Trustees are elected by voice-vote at the Annual Town Meeting.

Members of elected offices shall perform the duties and have the authority set forth in the Constitution and General Laws, this charter, town by-laws, statutes and applicable regulations of other government jurisdictions.

The number of signatures of voters required to place the name of a candidate for any town office on the official ballot for use at any town election shall be as specified in the General Laws.

When a vacancy occurs in any elected office, the office shall be filled in accordance with the General Laws.

## SECTION 2 - 2      ***Recall of Elected Officials***

(a) Any holder of an elective office other than Trustees may be recalled, and removed by the voters of the town as herein set forth provided that no more than a majority minus one of the membership of a single agency be recalled at one time.

(b) ***Recall: affidavits, petition, preparation, filing*** -- Twenty-five voters of the town may file with the town clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. The town clerk shall deliver to the voter first named on such affidavits a sufficient number of copies of petition blanks demanding such recall. The petitions shall be issued and signed by the town clerk with the official seal attached thereto. They shall be dated and addressed to the selectmen and contain the names of the person to whom issued, the number of petitions so issued, the name of the person sought to be recalled, the grounds of recall as stated in said affidavit, and a demand for the election of a successor to such office. A copy of the petition shall be recorded by the town clerk.

The recall petition shall be returned to and filed with the town clerk at or before 5:00 P.M. of the twenty-eighth day after the filing of the affidavit. Said petition shall be signed by not less than twenty percent of the voters of the town and to every signature shall be added the street and number of the signer's residence. The town clerk, if finding the petition to be in proper form, shall certify it as to form and shall deliver the petition to the registrars of voters in the town, and the registrars shall within fourteen days certify the number of signers who are voters of the town.

(c) ***Resignation of officers: order for recall election*** -- If the petition is certified by the town clerk and the registrars of voters to be sufficient, the town clerk shall submit it with the certification to the selectmen without delay. The selectmen shall promptly give written notice to said officer of the receipt of said certified petition and, if the officer sought to be removed does not resign within five days, shall order an election to be held on a day fixed by them and not less than twenty-five days after the date of the town clerk's certification. If any other town election is to occur within sixty days after the date of said certification, the selectmen may postpone the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall proceed, and the person so elected shall fill said vacancy.

(d) ***Officer being recalled may be a candidate*** -- Any officer sought to be removed will be a candidate in the election to fill that office. The town clerk shall place the name of said officer on the official ballot without nomination unless that officer requests otherwise in writing. The nomination of other candidates, the publication of the warrant for the recall election, and the conduct of the same shall be in accordance with the provisions of the law relating to the elections originally held for said office.

(e) ***Incumbent to continue duties until recalled*** -- The incumbent shall continue to perform the duties of office until the recall election. If then re-elected, the incumbent shall continue in office for the remainder of the unexpired term, subject to recall as before, except as provided in Section (g). If not re-elected in the recall election, the incumbent shall be deemed removed upon the qualification of the successor, who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of election, the incumbent shall be deemed removed and the office vacant.

(f) ***Proposition on the ballot*** -- Ballots used in the recall election shall submit the following:  
Do you approve of the proposition submitted by 20% of the voters demanding the recall of (*name of incumbent*) who has served (*number*) months of a (*number*) year term in the office of (*name of office*)?

Immediately to the right of the proposition shall appear two squares, one marked YES and the other marked NO, in which the voter, by making a cross mark (X), may vote for or against the said proposition.

Under the proposition shall appear the name of the office and the word "***Candidates***", the direction to voters required by section 42 of chapter 54 of the general laws, and beneath this the names of the candidates as herein before provided.

If a majority of the votes cast upon the question of the recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If a majority of votes on the question is in the negative, the results of the candidate election shall be null.

(g) ***Instructions to the voter*** -- The town clerk shall provide instructions to the voter which shall make the following conditions understandable:

1) The officer whose recall is being sought may appear as a candidate for reelection on the same ballot which proposed recall.

2) If a plurality of votes cast in the candidate section of the ballot is for the officer whose recall is being sought, that officer shall be retained regardless of the vote cast in the proposition section of the ballot.

3) If a majority of the votes cast in the proposition section of the ballot is in the negative, the officer retains office regardless of the vote cast in the candidate section of the ballot and regardless of the appearance or non-appearance of the name under "Candidates".

4) If a majority of the votes cast in the proposition section of the ballot is in the affirmative and another person received a plurality of the votes cast in the candidate section of the ballot, the incumbent is removed from office.

(h) ***Limitations on affidavits and petitions*** -- No recall affidavit shall be accepted against an officer within six months after taking office, nor in the case of an officer subjected to a recall election and not removed thereby, until at least six months after that election. No recall affidavit shall be accepted from a subsequent group of twenty-five voters unless the first group fails to file a petition within the specified time. No subsequent affidavit shall bear the signatures of any members of the first group.

## **ARTICLE 3 -- LEGISLATIVE BRANCH**

### **SECTION 3 - 1      *Town Meeting***

The legislative powers of the town shall be vested in a town meeting. All voters of the town are eligible to attend the town meeting and vote on matters that come before it.

### **SECTION 3 - 2      *Presiding Officer***

The town meeting shall be presided over by a town moderator elected as stated in Section 2-1 of this charter. The powers and duties of the moderators shall be as prescribed in the General Laws and the town by-laws. In the absence of the town moderator, the town meeting shall elect a temporary moderator. The town clerk shall preside until such election has taken place.

No person shall address a town meeting without leave of the moderator.

The moderator shall appoint the following:

|  | <u>NUMBER OF</u><br><u>MEMBERS</u> | <u>LENGTH OF</u><br><u>TERM (YEARS)</u> |
|--|------------------------------------|---|
| <u>Finance Committee</u>   | 9                                  | 3                                       |
| <u>Minuteman Regional Vocational</u><br><u>Technical School Representative</u> | 1                                  | 3_____                                  |

Other appointments may be made as authorized by town meeting.

### **SECTION 3 - 3      *Dates of Meeting***

The annual town meeting shall be held on the dates specified in the by- laws of the town.

Special town meeting may be called by the selectmen at their discretion or by a petition of two hundred voters of the town.

### **SECTION 3 - 4      *Call of Meeting***

Town meetings shall be called pursuant to a warrant by the selectmen. Public notice shall be as prescribed in the town by-laws.

### **SECTION 3 - 5      *Petitioner's Warrant Articles***

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Petitioner's warrant articles shall be submitted to the selectmen in written form. Ten signatures shall be required on a petition to have an article inserted in the warrant for an annual town meeting, and one hundred signatures shall be required on a petition to have an article inserted in a warrant for a special town meeting.

### SECTION 3 - 6      ***Clerk of the Town Meeting***

The town clerk shall record all votes and preserve as public records all proceedings of the town meeting sessions. If at a town meeting the office of town clerk is vacant, or if the town clerk and assistant town clerk are absent, the meeting shall elect a temporary clerk by ballot.

### SECTION 3 - 7      ***Town Meeting Rules***

Except as they are specified by the General Laws and this charter, rules governing the structure and conduct of town meeting, including procedure for reconsideration of votes, shall be established in the town by-laws.

## **ARTICLE 4 - EXECUTIVE BRANCH**

### SECTION 4 - 1      ***Board of Selectmen***

**(a)** There shall be a board of selectmen consisting of five members elected for three-year term. The term of one member shall expire every third year, and the term of two members shall expire in each of the intervening years.

**(b) Power and duties -** The executive powers of the town shall be vested in the board of selectmen, who shall have all the powers given to boards of selectmen by general laws or otherwise. The board of selectmen shall serve as the chief goal -setting, planning and policy-making agency of the town and as such shall not normally administer the day-to-day affairs of the town. The board of selectmen shall act through the adoption of policy directives and guidelines which are to be implemented by officers and employees appointed by or under its authority. Individual selectmen shall not purport to represent the board or exercise the authority of the board except when specifically authorized by the board to do so. The selectmen shall make appointments to the offices specified in section 4 - 2 of this Article, and they may make appointments to temporary posts and advisory committees they create for special purposes.

The board of selectmen shall hire, determine compensation for, and be responsible for the qualifications of a town manager, and when required a temporary town manager. The board shall communicate to the town manager its plans and policies so as to secure their effective implementation. The selectmen shall prepare a contract establishing the conditions for the town manager's employment, its term and termination, and the compensation in earned dollars, benefits, perquisites and remunerative incentive. They shall remove and replace the town manager, if and when required, in accordance with the provisions of Section 4-3 (c) and (d).

**(c)** The board of selectmen may investigate any town agency or official appointed or hired by them or the town manager, and they shall have access to all records they deem necessary for this purpose.

**(d)** The selectmen may remove for stated cause any of the officers or members of town agencies appointed or hired by them.

**(e) Licensing Authority** - The selectmen shall be a licensing board for the town and shall have the power to issue licenses, to make all necessary rules and regulations regarding the issuance of such licenses, and to attach conditions and to impose restrictions on any such license it may issue as it deems to be in the public interest, and to enforce all laws relating to the issuance of such licenses.

**(f) Hiring responsibilities** - The selectmen shall hire people for the following positions:

| <u><b>TITLE</b></u> | <u><b>LENGTH OF TERM (YEARS)</b></u> |
|---------------------|--------------------------------------|
| Town Accountant     | 3                                    |
| Town Counsel        | 1                                    |
| Town Manager        | 3                                    |
| Town Clerk          | 3                                    |

## SECTION 4 - 2      **Appointment Powers, Selectmen**

|   | <u><b>NUMBER OF MEMBERS</b></u> | <u><b>LENGTH OF TERM (YEARS)</b></u> |
|---|---------------------------------|--------------------------------------|
| Acton/Boxborough Cultural Council                 | 7 Acton                         | 3                                    |
| Acton Community Housing Corporation               | 5-7                             | 3                                    |
| Board of Appeals                                  | 3                               | 3                                    |
| Board of Appeals (Assoc. Members)                 | 3                               | 3                                    |
| Board of Assessors                                | 3                               | 3                                    |
| Board of Assessors (Alternate Members)            | 1 or more                       | 3                                    |
| Board of Health                                   | 5                               | 3                                    |
| Cemetery Commissioners                            | 3                               | 3                                    |
| Commission on Disabilities                        | 9                               | 3                                    |
| Conservation Commission                           | 7                               | 3                                    |
| Council on Aging                                  | 9                               | 1                                    |
| Election Officers                                 | as required                     | 1                                    |
| Hanscom Field Advisory Commission                 | 1 (+1 Alternate)                | 3                                    |
| Historical Commission                             | 5                               | 3                                    |
| Historic District Commission                      | 6                               | 3                                    |
| Historic District Commission (Alternate Members)  | 4                               | 3                                    |
| Metropolitan Area Planning Council Representative | 1                               | 3                                    |
| Personnel Board                                   | 5                               | 3                                    |
| Planning Board                                    | 7                               | 5                                    |
| Planning Board (Associate Members)                | 2                               | 1                                    |
| Recreation Commission                             | 5                               | 3                                    |
| Registrars of Voters                              | 3                               | 3                                    |
| ( See also Section 5 - 1 )                        |                                 |                                      |



### SECTION 4 - 3      ***Town Manager***

(a) ***Employment of town manager*** - The selectmen shall employ a town manager for renewable three-year terms, who shall be especially fitted, in their opinion, by education, training and experience to perform the duties of the office. The person shall not have served in an elective office in the town during the twelve months prior to appointment, shall execute a bond in favor of the town for the faithful performance of duties in such sum and with such sureties as may be fixed or approved by the selectmen, and shall accept the terms and conditions of office by signing a contract as prepared by the selectmen under Section 4 - 1 (b).

(b) ***Appointment of a temporary town manager*** - The town manager may appoint, subject to the approval of the selectmen, a suitable person to accept the powers and perform the duties of the office during any period of temporary absence or disability of the town manager. If the town manager fails to make such appointment or the person so appointed fails to serve, the selectmen may appoint a suitable person to perform such duties.

(c) ***Removal of town manager*** - The selectmen may remove the town manager by:

1) Not re-employing - The selectmen may remove the town manager by failing to re-employ him or her at the expiration of any three-year term. The affirmative vote of at least three members of the board is required.

2) Removal for cause - The selectmen may remove the town manager for cause as outlined below.

At least thirty days before the proposed removal shall become effective, the selectmen shall file a preliminary resolution with the town clerk setting forth the specific reasons for the proposed removal. The selectmen may at the same time suspend the town manager from duty, but shall pay any unpaid balance of salary for the then current month and any additional amount not in excess of one month's salary.

The town clerk shall within forty eight hours of the filing of such resolution deliver a copy to the town manager or mail the same by registered mail to the town manager's last known address. The town manager may file with the selectmen, within seven days after receipt of such copy, a written request for a public hearing and in such event the selectmen shall hold a public hearing to be scheduled not earlier than 10 days nor later than twenty days after the filing of such a request. After such public hearing, if any, otherwise at the expiration of thirty days following the filing of the preliminary resolution, the selectmen by the affirmative vote of at least three members of the board may adopt a final resolution of removal. The termination pay of the town manager, so removed, shall be as specified in the terms of his or her contract.

(d) ***Replacement of town manager*** - In the event of any vacancy in the office of town manager, the selectmen shall:

1) within seven days, appoint a temporary town manager and in the event of a continued vacancy in the office of the town manager or the removal of the town manager, the selectmen shall:

2) within thirty days, seek a new town manager, and upon appointment of same the office of the temporary town manager shall become vacant.

(e) **Compensation of town manager** - The town manager shall receive such compensation as shall be determined by the selectmen.

(f) **Compensation of temporary town manager** - The temporary town manager shall receive such compensation as shall be determined by the selectmen.

(g) **Powers and duties of town manager** - In addition to the powers and duties provided elsewhere in this charter the town manager shall have the powers and duties enumerated in this section:

1) The town manager shall be responsible for the management of town agencies and the supervision of town employees with the exception of school employees including coordinating the activities of volunteer members of the town agencies with town departments.

2) The town manager may, with the approval of at least three selectmen, establish, combine, reorganize, or discontinue departments under the town manager's supervision. With the approval of the selectmen and the finance committee, the town manager may transfer the appropriation of a discontinued department to any other department. Any balance not transferred shall be returned to the town treasury.

3) The wages or salary and classification of employees appointed by the town manager shall be governed by the provisions of the personnel by-law.

4) The town manager shall keep records of the office, and shall report on all operations as required by the selectmen.

5) With the exception of property under the jurisdiction of the school committee, the town manager shall have full and exclusive jurisdiction of the rental and use of all town real property, and shall be responsible for its proper maintenance. The town manager shall be responsible for the preparation of plans and the supervision of work on existing and on new buildings and grounds, unless a special committee of the town is created for such purpose.

6) The town manager shall be responsible for the purchase of all supplies, materials and equipment and award all contracts needed for operation of the town agencies except the school department. This does not prohibit the school committee from requesting and receiving such assistance from the town manager.

7) The town manager shall hire all town employees, except school employees and the town accountant, town clerk and town counsel. The town manager shall hire an administrative assistant, a town treasurer and a town collector or a town treasurer-collector subject to the approval of the board of selectmen.

8) The town manager shall administer all provisions of the general and special laws applicable to the town, the by-laws and votes of the town, and all rules and regulations made by the selectmen which lie within the scope of the powers and duties of the office.

9) The town manager, subject to the approval of the selectmen, shall have authority to prosecute, defend and compromise all litigation to which the town is a party and to engage counsel as provided under selectmen's appointments.

10) The town manager shall perform such other duties consistent with the office as may be required by by-law, vote of the town or selectmen.

11) Subject to the approval of the selectmen, the town manager may assume the powers, duties and responsibilities of any subordinate officer. Such assumption shall be evidenced by and effective upon the filing with the town clerk of a written declaration of such assumption signed by the town manager. Each officer whose powers, duties and responsibilities are so assumed by the town manager shall be discharged and shall have no further powers, duties or responsibilities as such.

*(h) Investigation by town manager-* The town manager may without notice cause the affairs of any town agency of official under direction of the town manager or the conduct of any officer or employee thereof to be examined. The town manager shall have access to all town records for information necessary for this purpose.

*(l) Estimate of expenditures -* The town manager shall submit to the selectmen an estimate of the probable expenditures and revenues of the town as detailed in Section 6 - 2.

## **ARTICLE 5 - ORGANIZATION AND OPERATING PRINCIPLES**

### **SECTION 5 - 1      *Creation of Town Agencies***

Town agencies may be formed by the selectmen, the town manager with the approval of selectmen, vote of the town or by-law,

### **SECTION 5 - 2      *Description of Town Government***

The town manager shall maintain an up-to-date organization chart showing the interrelationships, reporting responsibilities and structures of the entire town government.

This description will be updated so that it is valid within ninety days of a previous change. Approved changes shall bear the signatures of the selectmen and shall indicate the effective date of the change. Copies of the previous issues of the chart will be retained for reference.

Written description of the functions, duties and responsibilities of all agencies in the chart shall accompany and be made part of the chart. A list of incumbents of all positions in the chart shall accompany and be made part of the chart and shall be updated at least monthly.

Copies of the chart and accompanying data shall be available for a fee to be determined by the town manager.

### **SECTION 5 - 3      *Operating Policies and Procedures***

Subject to the approval of the selectmen, the town manager shall be responsible for the development and publication of the operating policies and procedures. These shall include town goals, policies, operating practices, decision-making procedures, and such other information as is necessary.

### **SECTION 5 - 4      *Organizational Planning***

The selectmen and the town manager shall be responsible for developing and maintaining an efficient, responsive and cost effective town government. All necessary changes shall be carefully planned to minimize their fiscal impact. To improve communication, enhance span of control, and

increase operating efficiency, similar functions may be combined into integrated agencies under a single head.

The annual report shall contain reports from the selectmen and town manager describing any yearly changes, the reasons for the changes, and noting organizational plans for the future.

## **ARTICLE 6 - FISCAL PROCEDURES**

### **SECTION 6 - 1      *Warrants***

A copy of each warrant for the payment of town funds prepared by the town accountant shall be submitted promptly to the town manager who shall recommend approval or disapproval of each item for action by the selectmen.

### **SECTION 6 - 2      *Budget Estimates***

The town manager shall submit to the selectmen and the finance committee, not less than one hundred days prior to the start of the annual town meeting (as defined in Town of Acton Bylaws Chapter A, Section A2), an estimate of the expenditures and revenues of the town for the next fiscal year.

### **SECTION 6 - 3      *Selectmen's Budget Recommendations***

The selectmen shall transmit a copy of their budget, together with their changes and recommendations, to each member of the finance committee not less than sixty days prior to the start of the annual town meeting (as defined in Town of Acton Bylaws Chapter A, Section A2).

### **SECTION 6 - 4      *Independent Audit***

At least once every three years an outside audit of the books and accounts of the town shall be made.

### **SECTION 6 - 5      *Lapse of Appropriations***

Unless another provision is specifically made in the town meeting vote on any special warrant article which authorizes a commitment of town funds, whether by appropriation, transfer or otherwise, the said authorization shall lapse three years and one month following the effective date of such vote. Authorization for any capital project shall not lapse if such project shall have commenced within such period. The town meeting may, prior to the expiration of any such term of years, provide for an extension of the time during which the funds shall continue to be available for the purpose specified.

## **ARTICLE 7 - GENERAL PROVISIONS**

### **SECTION 7 - 1      *Equal Opportunity Employment***

The employment practices of the town shall be conducted without discrimination as to race, color, creed, age, sex, national origin or ancestry. The selectmen and the school committee shall maintain an approved Affirmative Action Plan.

### **SECTION 7 - 2      *Resignation of Town Officers***

Any person holding an appointive or elective office may resign that office by filing a notice of resignation with the town clerk.

### SECTION 7 - 3      ***Phasing of Terms of Town Agency Members***

Elections and appointments to all town agencies consisting of more than one member and where terms are greater than one year shall be made so that all terms of all incumbents do not expire in the same year. Wherever possible, an equal number of members of each agency shall end their terms of office in each year.

### SECTION 7 - 4      ***Specific Provisions Shall Prevail***

To the extent that any specific provision of this charter shall conflict with any provision expressed in general terms, the specific provision shall prevail.

### SECTION 7 - 5      ***Definitions***

Unless another meaning is clearly apparent from the manner in which the word is used, the following words shall have the following meanings:

- |     |                                   |  |
|-----|-----------------------------------|--|
| (a) | Charter                           | this charter and any amendments to it  |
| (b) | Town                              | the Town of Acton  |
| (c) | Town agency                       | any board , commission, committee, department or office of the town  |
| (d) | Voters                            | registered voters of the town  |
| (e) | General laws                      | General Laws of the Commonwealth of Massachusetts  |
| (f) | Cause                             | as in "removal for cause": an explicit, substantial and censorable factor(s), relating to the action (s) or failure(s) of action of a person holding a position of public trust and liability. |
| (g) | Selectmen &<br>Board of Selectmen | used interchangeably.  |

### SECTION 7 - 6      ***Expiration of Committees***

All committees created by a vote of the town meeting shall serve until the next annual town meeting. Each such committee shall file at said meeting a complete report of its activities and may make such recommendation concerning further action to be taken by the town as it may deem to be necessary and desirable. Unless the town meeting shall vote to revive and extend any such committee until the next annual town meeting, each such committee shall be deemed to have been discharged from its duties and dissolved upon the adjournment of the said town meeting.

### SECTION 7 - 7      ***Record Keeping***

All agencies shall keep records of meetings which must be filed with the Town Clerk and made available to the public for examination. Copies may be made at individual's expense.

### SECTION 7 - 8      ***School and Town Administration***

The town administration and school administration shall communicate and cooperate to the greatest degree possible in all areas where joint activity will produce economy and efficiency.

### SECTION 7 - 9      ***Management of Volunteers***

The board of selectmen and school committee shall establish policies and procedures which will provide for the encouragement, effective management and public recognition of volunteers in town government.

## **ARTICLE 8 - PROVISIONS GOVERNING THE CHARTER**

### **SECTION 8 - 1      *Regulation of Charter to Town By-Laws, Rules, Regulations, Order and Special Laws***

Where provisions of this charter conflict with provisions of town by-laws, and other regulations, the charter provisions shall govern. All provisions of town by-laws, rules, regulations, orders, and special laws not superseded by this charter shall remain in force.

### **SECTION 8 - 2      *Severability***

The provisions of the charter are severable. If any provisions of this charter are held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons and circumstances shall not be affected thereby.

### **SECTION 8 - 3      *Charter Changes***

This charter may be revised or amended in accordance with the procedures made available by Article LXXXIX (89) of the Amendments to the State Constitution and any legislation enacted to implement the said amendment.

(a) Amendments to this charter relating in any way to the composition of the town meeting or the composition or mode of election or terms of the office of selectmen or the town manager may be proposed only by a charter commission elected under Chapter 43B of the General Laws.

(b) Amendments to the charter relating to other matters may be proposed by a two-thirds vote at a duly called town meeting in accordance with the said General Law.

(c) Favorably voted proposal for revision under either (a) or (b) shall be submitted to the voters on the ballot at the next annual election.

### **SECTION 8 - 4      *Publication of Charter and By-Laws***

The selectmen shall within one year of the adoption of this charter and thereafter at five-year intervals, cause to be prepared a recodification of all existing by-laws of the town. Copies of the said by-laws and copies of this charter shall be made available in suitable form in the office of the town clerk. An amount not to exceed the actual cost per copy of reproduction may be charged.

### **SECTION 8 - 5      *Submission to Voters and Time of Taking Effect***

This charter shall be submitted to the voters of the Town of Acton by the board of selectmen at the annual town election in April in the year nineteen hundred and eighty-two and shall be placed upon the official ballot to be used in said town election.

If this charter is accepted by the voters of the Town of Acton in said election, the provisions of the charter will take effect immediately following the final adjournment of the annual town meeting.

If the charter is not accepted by the voters of the Town of Acton in said election but has received the affirmative vote of at least thirty-five percent of those voting on the question, the charter shall be considered an optional charter.

Upon the petition of ten percent of the registered voters, said optional charter shall be resubmitted to the voters at a town election held no later than the year nineteen hundred and eighty-four.

If the charter is not accepted by the voters of the Town of Acton in said election and has received the affirmative vote of less than thirty-five percent of those voting on the question, the charter shall be null and void.

## **ADOPTION AND EFFECTIVE DATES OF CHANGES IN THE CHARTER**

The following changes have been made to the Charter of the Town of Acton.

- 1) Dissolution of the Archives Committee - Article 41 of the 1987 Annual Town Meeting. Voted by the electorate on April, 1988.
- 2) Dissolution of the Permanent Building Committee - Article 41 of the 1987 Annual Town Meeting. Voted by the electorate on April, 1988.
- 3) Addition of the Handicap Commission - Article 42 of the April 1987 Annual Town Meeting per provisions of the M.G.L. 40 S.8.
- 4) Expansion of the Planning Board from five (5) members to seven (7) members - Article 7 of November 2, 1987 Special Town Meeting. Voted by the electorate on April 4, 1988.
- 5) Dissolution of the Youth Commission - Article 33 of the 1989 Annual Town Meeting. Voted by the electorate on March 27, 1990.
- 6) Change the name of the Handicapped Commission to Commission on Disabilities - Article 1 of the October 28, 1991 Special Town Meeting. Voted by the electorate on March 31, 1992.
- 7) Expansion of the Commission on Disabilities members from seven (7) to nine (9) members - Article 18 of the April, 1993 Annual Town Meeting. Voted by the electorate on March 29, 1994.
- 8) Amend Section 4-2 of the charter to provide that the Planning Board, in addition to its regular members, may have associate members pursuant to M.G.L., Chapter 40A, Section 9. - Article 55 of the April, 1994 Annual Town Meeting. Voted by the electorate on March 28, 1995.
- 9) Change the name of the Acton/Boxborough Arts Council to Acton/Boxborough Cultural Council - Article 47 of the April 1, 1996 Annual Town Meeting. Voted by the electorate on April 1, 1997.
- 10)
  - a) Amend Section 4-1 Board of Selectmen, (b) Powers and duties
  - b) Amend Section 4-2 Appointment powers, add Acton/Boxborough Cultural Council, Acton Community Housing Corporation, Alternate Members to the Board of Assessors, Hanscom Field Advisory Commission, Historic District Commission, Alternate members to and Alternate Members to the Historic District Commission.
  - c) Amend Section 5-3 Operating Policies and Procedures
  - d) Amend Section 5-4 Organizational Planning
  - e) Amend Section 6-2 Budget Estimates
  - f) Amend Section 6-3 Selectmen's Budget Recommendations
  - g) Amend 7-7 Record Keeping- Article 28 of the April 7, 1997 Annual Town Meeting. Voted by the electorate on March 31, 1998.

Town of Acton  
Charter  
Updated may 1998



